

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.D.W. and K.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALISHA NICHOLE AMERSON,

Respondent-Appellant,

and

KILEY DEKENJI WHEAT,

Respondent.

UNPUBLISHED

August 23, 2005

No. 260200

Oakland Circuit Court

Family Division

LC No. 03-683881-NA

Before: Zahra, P.J., and Cavanagh and Owens, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant does not challenge that the trial court's finding that petitioner established the statutory grounds for termination by clear and convincing evidence, and our review determined that the trial court did not clearly err in this regard. Respondent-appellant does argue that the trial court erred in its best interests determination. We disagree.

Termination of parental rights is mandatory if the Court finds that the petitioner established a statutory ground for termination, unless the Court finds that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 344; 612 NW2d 407 (2000). This Court reviews for clear error the trial court's best interests determination. *Id.* at 356-357.

Respondent-appellant made progress in the time between the trial regarding the statutory grounds for termination and the best interests hearing, where there had been none for many

months. She completed a two-week inpatient drug treatment program, was attending outpatient drug treatment, and had been providing clean drug screens to her caseworker. However, she admitted that she was in violation of her probation and that she was supposed to turn herself in to the probation office and had not. She also admitted that she was unemployed and did not have housing for the children. The children had been in foster care for fifteen months, which was all of K.W.'s life and half of K.D.W.'s life. Although there was testimony that K.D.W. recognized a photograph of respondent-appellant and carried it around with her, respondent-appellant had not seen her children for eight months. The caseworker testified that the children needed stability and that K.D.W. was old enough to want to know what was going to happen to her. While respondent-appellant made great progress in the two months preceding the best interests hearing, she was still far from prepared for the children to be returned to her and any bond that she had with the children had been severely weakened by the passage of time. Considering the long period of time that respondent-appellant made no progress, the trial court did not clearly err in its best interests determination and did not clearly err in terminating her parental rights.

Affirmed.

/s/ Brian K. Zahra
/s/ Mark J. Cavanagh
/s/ Donald S. Owens